

SEP 27 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
Skulley

Application No: 10/043,613

Filed: January 9, 2002

Title: Comfortable Earphone Cushions

Atty. Dkt. No. 01-7035(PLANP040)


Examiner: Ensey, Brian

Assignee: Plantronics, Inc.

Art Unit: 2643

## CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on September 27, 2004.

Signed:   
Typed Name: Jung-hua Kuo

## DECLARATION UNDER 37 C.F.R. 1.131

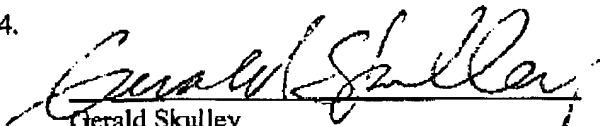
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Gerald Skulley, declare as follows:

1. I am one of the inventors of at least claims 1 and 27, as amended herewith, of the above-identified patent application and inventor of the subject matter described and claimed therein.
2. I am providing this declaration to antedate the reference Kinoshita, Japanese Patent No. 2001-309478 as cited by the Examiner in the Office Action mailed May 26, 2004.
3. Prior to November 2, 2001, I had completed my invention as described and claimed in at least claims 1 and 27 of the subject application in this country, a NAFTA country, or a WTO country.
4. Attached to this Declaration as Exhibits A and B are engineering drawing nos. 61315-01 and 61360-01, respectively illustrating various embodiments of the inventions as claimed in at least claims 1 and 27 that were prepared prior to November 2, 2001. Each of the dates redacted from Exhibits A and B is prior to November 2, 2001.
5. Prior November 2, 2001, the inventions of at least claims 1 and 27 were sufficiently tested to determine and confirm proper operation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements are the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 22 day of September, 2004.

  
Gerald Skulley